

EASTERN DISTRICT OF VIRGINIA

CASE NO. 20-30776-KRH

Chapter 13

Afrikka L. Ennis and LaVaniel D. Ennis Jr.,

Creditor,

V.

KEVLEENA S. WEBB,

Debtor

OBJECTION TO CHAPTER 13 PLAN

U.S. BANKRUPTCY COURT
RICHMOND DIVISION

U.S. BANKRUPTCY COURT
DISTRICT OF COLUMBIA

COMES NOW a Creditor(s) in this cause, Afrikka Ennis and LaVaniel Ennis Jr., acting pro se, and respectfully moves this Court to dismiss the Chapter 13 plan as presented, as creditors assert this plan has not been entered into in Good Faith. For cause, said party(s) submits the following:

1. Kevleena Shenese Webb filed a Petition under Chapter 13 of the United States Bankruptcy Code on or about February 14, 2020.
2. Movant(s) are the holder of a judgement issued in Chesterfield County General District Court against the Debtor, Kevleena S. Webb, on April 04, 2019 for the principle amount of \$11,545.87. Additional interest and fees in the amount of \$872.75 have accrued since judgment was issued.
3. Movant(s) have issued a garnishment summons through Chesterfield County District Court to secure payment from Creditor's payroll check to pay judgement debt. Per Debtor's employer garnishment processor, Checks dated January 31, 2020 in the amount of \$477.46 and February 14, 2020 in the amount \$294.76, for a total amount of \$772.22 have been reported as sent to Chesterfield County General District Court toward the principle amount granted in the judgment to the Creditors.
4. Debtor was a tenant and entered to a lease to rent the property at 7118 West Road, Chesterfield, VA 23832, which was a property previously utilized as a primary residence and owned jointly by Creditors. Debtor resided at the property from August 2014 through November of 2018. Following an eviction filing, debtor vacated property in November 2018. Upon walk through with property manager, extensive damage was visible throughout the home. As such Creditor's filed a Warrant in Debt against the Debtor, to recoup repair costs due to Debtor's actions and/or that of her dependents. Movants

presented extensive evidence, including accounting of repairs and costs, receipts, and pictures of damage in court. Debtor was present and given the opportunity to provide any testimony and/or mitigation to claims. After the presiding judge reviewed all evidence presented, he ruled in Creditor's favor and a judgment was granted in the principle amount of \$11,545.87.

5. Movants object to Chapter 13 plan submitted under bankruptcy 20-30776-KRH. We believe Debtor is not acting in Good Faith: Debtor previously filed for bankruptcy in 2017 under case number #17-33014-KLP. Under terms of the lease, Debtor was required to notify, Creditors or Property manager of any bankruptcy filing, which was a breach of the executed lease agreement. On May 30, 2019, one month after Movants' judgment was finalized, Debtor voluntarily dismissed that plan. On June 24, 2019 Debtor re-filed a new Chapter 13 plan #19-33315-KLP, to, in her testimony in the meeting of the creditors, include creditor's judgment in the new bankruptcy filing. During this period, Creditors were unable to proceed with garnishment to begin to recoup losses. The Creditors filed an Adversary complaint (#19-03076), on August 21, 2019, in that bankruptcy proceeding, to contest the dischargeability of our judgment. Two weeks later, on September 03, 2009, the Trustee filed a motion to dismiss for failure to make payment(s). On October 11, 2019 bankruptcy #19-33315-KLP was dismissed per request of the Trustee for failure to commence payments. As underlying basis for the adversary was ultimately dismissed, Creditors subsequently withdrew their Adversary complaint

Once bankruptcy was dismissed, Creditors were able to file a new garnishment summons to collect upon the previous Warrant in Debt judgment. Debtor filed current bankruptcy action on February 14, 2020, approximately two weeks after first payment was garnished,

from Debtor's paycheck, on January 31, 2020, to begin fulfilment of judgement.

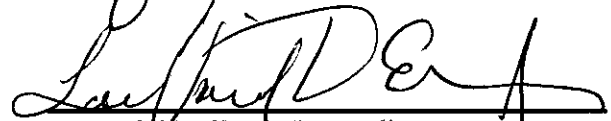
6. We believe these repeated filings and failure to comply are evidence of an absence of Good Faith on the Debtor's part as well as an abuse of the bankruptcy process. Further we believe that the Debtor is attempting to deny Creditors the ability to collect upon our judgement and to be adequately compensated for the Debtor's actions which caused significant financial and emotional distress.

We humbly ask your Honor to dismiss Chapter 13 plan for Bankruptcy 20-30776-KRH based upon the preceding

Dated this 6 day of March, 2020



Afrikka L. Ennis, creditor



LaVaniel D. Ennis Jr., creditor

B420A (Official Form 420A) (Notice of Motion or Objection) (12/16)

EDVA (12/16)

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re: Kevleena Shenese Webb)

*[Set forth here all names including married, maiden, and
trade names used by debtor within last 8 years.]*)

Case No. 20-30776

Debtor)

Chapter 13

Address 6201 Barboursville Lane, Apt 4D
North Chesterfield, VA 23234

Last four digits of Social Security or Individual Tax-payer
Identification (ITIN) No(s)., (if any): 8856

Employer's Tax Identification (EIN) No(s). (if any):

NOTICE OF MOTION (OR OBJECTION)

Afrikka Ennis and LaVaniel Ennis Jr. has filed papers with the court to Objection to Chapter
13 Bankruptcy Plan

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion (or objection), or if you want the court to consider your views on the motion (or objection), then on or before

April 1, 2020, you or your attorney must:

- ☒ File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
Eastern District of Virginia, 701 E. Broad St
Richmond, VA 23219-1888

2

You must also send a copy to:

Afrikka and LaVaniel Ennis
8218 Tatterton Trail,
N. Chesterfield, VA 23237

- ☐ Attend a hearing to be scheduled at a later date. You will receive separate notice of hearing. **If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing**
- ☒ Attend the hearing on the motion (or objection) scheduled to be held on April 8, 2020 at 11:10 a.m. at United States Bankruptcy Court, Eastern District of Virginia, 701 E. Broad St., Courtroom 5000 Richmond, VA 23219-1888.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: 6 March 2020

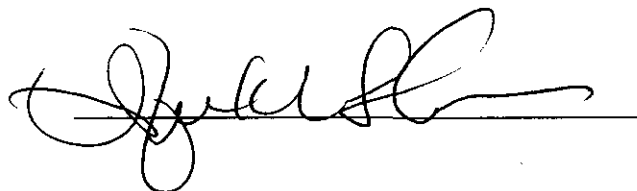

Signature, name, address and telephone number
of person giving notice:

Afrikka L. Ennis
8218 Tatterton Trl.
N. Chesterfield, VA 23237

Virginia State Bar No. N/A
Counsel for acting pro se

Certificate of Service

I hereby certify that I have this 6 day of March, 20 20, mailed or hand-delivered a true copy of the foregoing Notice of Motion (or Objection) to the parties listed on the attached service list.

SERVICE LIST

Kevleena S. Webb, Debtor
6201 Barboursville Lane
Apt 4D
North Chesterfield, VA 23234

James E. Kane, Debtor's attorney
Kane and Papa, PC
1313 East Cary Street
PO Box 508
Richmond, VA 23218-0508

Suzanne E. Wade, Trustee
7202 Glen Forest Drive
Suite 202
Richmond, VA 23226

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

In re: Kerleena S. Webb Case No. 20-30776
Debtor(s) Chapter 13

AFRIKKA L. ENNIS + LaVarriel D. Ennis Jr.
Plaintiff(s) Adversary Proceeding No.
v.

Defendant(s)

CERTIFICATION UNDER LOCAL BANKRUPTCY RULE 2090-1

Document Title:
Date Document Filed:
Docket Entry No.

I declare under penalty of perjury that (Check one box):

- ☒ No attorney has prepared or assisted in the preparation of this document.
☐ The following attorney prepared or assisted in the preparation of this document.

(Name of Attorney)

(Address of Attorney)

(Telephone Number of Attorney)

AFRIKKA L. ENNIS LaVarriel D. Ennis Jr.
Name of Pro Se Party (Print or Type) Name of Pro Se Party (Print or Type)
[Signature] [Signature]
Signature of Pro Se Party Signature of Pro Se Party

Executed on: 16 March 2020 (Date)